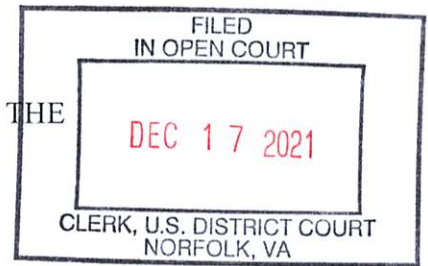


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION



UNITED STATES OF AMERICA

v.

KEVIN ANDREW STATON, JR.,

Defendant.

Case No. 2:21-cr-141

STATEMENT OF FACTS

The United States and the defendant, KEVIN ANDREW STATON, JR. (“defendant” or “STATON”), agree that at trial, the United States would have proven the following facts beyond a reasonable doubt with admissible and credible evidence:

1. From at least in or about June 2019 through at least in or about June 2020, in the Eastern District of Virginia and elsewhere, the defendant knowingly engaged in the business of buying and selling forty-five (45) firearms without a license.

2. In furtherance of his unlicensed firearm transactions, the defendant made false official statements on the Alcohol, Tobacco, Firearms, and Explosives (“ATF”) Form 4473 (“ATF Form 4473”). The ATF Form 4473 is a Firearm Transaction Form, which is required for the purchase of any firearm from a federally licensed firearm dealer. On each occasion, the defendant stated he was the actual transferee/buyer of the firearm, which was not true because he in fact, purchased these forty-five firearms for other individuals or with the intent to resell. On multiple occasions, the defendant communicated with unindicted co-conspirators regarding specific firearms they wanted the defendant to purchase on their behalf. The defendant, using text messaging, would quote a price to purchase the firearm on their behalf and then through subsequent CashApp transactions, he would receive money consistent with the earlier negotiated prices.

ead KS JB JTB

3. On June 2, 2020, ATF special agents recovered six (6) firearms in the defendant's possession. The defendant told the special agents he was making money buying and selling firearms and made the following statements:

- a. "Guns are like money."
- b. "I'm buying them knowing I'm going to be selling them, not for the long term."
- c. "I sell to anybody."
- d. "When I first turned twenty-one, I was buying guns just to sell them."
- e. "That's really how . . . the bulk gun thing started . . . people are so dumb."

4. During the initial encounter with the ATF special agents, the defendant deleted the contents of his phone to prevent agents from reviewing the data. He subsequently agreed to be interviewed by special agents and reset his phone to the last backup that had occurred in October 2019, eight months before he deleted the phone's content. The data between October 2019 and June 2020 was lost.

5. Nineteen (19) of the firearms were acquired from Bob's Gun Shop in the City of Norfolk, Virginia. Fourteen (14) of the firearms were acquired from Chesapeake Pawn and Gun in the City of Chesapeake, Virginia. Five (5) of the firearms were acquired from Superior Pawn and Gun in the City of Virginia Beach, Virginia. Five (5) of the firearms were acquired from DOA Arms in the City of Virginia Beach, Virginia. One (1) firearm was acquired from Superior Pawn, Inc., in the City of Norfolk, Virginia. One (1) firearm was acquired from Dick's Sporting Goods in the City of Chesapeake, Virginia.

6. Fifteen (15) of the forty-five (45) firearms the defendant purchased were recovered from crime scenes in other cities and states. All but one of those firearms had a "time to crime" of less than one year. "Time to Crime" is the time from when a firearm is purchased to the time it is used in a crime or is recovered by Law-Enforcement. Three (3) of the firearms the defendant purchased were recovered directly from the defendant. One (1) firearm was recovered in a hotel

mattress to a sofa bed, and another was found in the grass outside a church. Twenty-five (25) of the firearms the defendant purchased have not been recovered.


The below list represents the forty-five (45) firearms purchased by the defendant between June 2019 and June 2020. The defendant falsely completed an ATF Form 4473 to acquire all of these firearms.

	Date of Purchase	Location of Purchase	Firearm Description	Serial #
1	6/6/2019	Dicks Sporting Goods, Chesapeake, Virginia	Smith and Wesson, SD40 VE	FBL1059
2	6/20/2019	Bob's Gun Shop, Norfolk, Virginia (hereinafter "Bob's Gun Shop")	Mossberg 715P 22 LR	ETB4354084
3	6/27/2019	Bob's Gun Shop	American Tactical, Omni Hybrid	NS211732
4	8/6/2019	Bob's Gun Shop	American Tactical, Omni Hybrid	NS217169
5	8/17/2019	Chesapeake Pawn and Gun, Chesapeake Virginia (hereinafter "Chesapeake Pawn and Gun")	Taurus G2C	TMD51432
6	9/20/2019	Chesapeake Pawn and Gun	Taurus G2C	TMT60491
7	9/25/2019	Chesapeake Pawn and Gun	Taurus G2C	TMD62659
8	10/11/2019	Chesapeake Pawn and Gun	Glock 23, GEN4	BAE0066
9	10/26/2019	Chesapeake Pawn and Gun	Taurus G2C	TMD49511
10	11/9/2019	Chesapeake Pawn and Gun	Taurus G2C	TMD49190
11	11/13/2019	Chesapeake Pawn and Gun	Glock 23, GEN4	BDNP393






12	12/10/2019	Chesapeake Pawn and Gun	Glock 23, GEN4	RFE831
13	12/14/2019	Bob's Gun Shop	Century NAK97	RONVMB71941807
14	1/9/2020	Chesapeake Pawn and Gun	Taurus G2C	SMU15283
15	1/24/2020	Chesapeake Pawn and Gun	Glock 19, GEN3	NYA656
16	1/30/2020	Chesapeake Pawn and Gun	Springfield XD9 Defender	AT191002
17	2/8/2020	Bob's Gun Shop	Riley Defense, RAK	B01695
18	2/21/2020	Chesapeake Pawn and Gun	Taurus G2C	TMA96947
19	2/21/2020	Chesapeake Pawn and Gun	Taurus G2C	AAM107678
20	2/21/2020	Chesapeake Pawn and Gun	Charles Daily HONCHO	18PU2001170
21	3/31/2020	Bob's Gun Shop	Glock 22, GEN440	XHW278
22	4/11/2020	Bob's Gun Shop	SCCY CPX2	880836
23	4/11/2020	Bob's Gun Shop	SCCY CPX2	880835
24	4/16/2020	Bob's Gun Shop	Glock 23, GEN4	TVD214
25	4/22/2020	Bob's Gun Shop	Glock 23, GEN4	TVD351
26	4/22/2020	Bob's Gun Shop	Glock 31, GEN3	GEX943
27	4/24/2020	Bob's Gun Shop	Glock 21	GSH322
28	4/24/2020	Bob's Gun Shop	Glock 23	VCR386
29	5/7/2020	Bob's Gun Shop	Glock 31	GEX925
30	5/7/2020	Bob's Gun Shop	Glock 31	GEX959
31	5/7/2020	Bob's Gun Shop	Glock 21, GEN3	HGZ443
32	5/7/2020	Bob's Gun Shop	Springfield XD-40	US475552
33	5/15/2020	Superior Pawn and Gun, Virginia Beach, Virginia (hereinafter "Superior Pawn and Gun")	Glock 32	WFS942
34	5/15/2020	Superior Pawn and Gun	Century Arms C39V2	C29P2A04767
35	5/19/2020	Bob's Gun Shop	Smith and Wesson 4006TSW	BDJ4468
36	5/20/2020	Superior Pawn and Gun	Glock 22	HBC868

Handwritten signatures and initials:
 KS ^{COY} JAB

37	5/20/2020	Superior Pawn and Gun	Glock 27 GEN4	BMTR895
38	5/23/2020	DOA Arms, Virginia Beach, Virginia (hereinafter "DOA Arms")	Canik TP-9SF	20AT07553
39	5/23/2020	DOA Arms	Glock G29	BMVP117
40	5/24/2020	Superior Pawn, Norfolk, Virginia	Springfield Armory XD545	HG144538
41	5/26/2020	Bob's Gun Shop	FN America 509	GKS0063017
42	5/26/2020	Superior Pawn and Gun	Century Arms Micro Draco	PMD-19665-20
43	6/2/2020	DOA Arms,	Smith and Wesson M&P9EZ	NEY7725
44	6/2/2020	DOA Arms	Springfield Amory XDE	HE101807
45	6/2/2020	DOA Arms	Glock G23	AELR282

7. On November 13, 2019, the defendant purchased a Glock, Model 23 .40 caliber semi-automatic pistol, with serial number BDNP393. The defendant falsely completed an ATF Form 4473, and in, response to question 11a of the form, "Are you the actual transferee/buyer of the firearm(s) listed on this form?" The defendant checked the box "Yes." This firearm was recovered following a crime on June 4, 2020, in Philadelphia, Pennsylvania. The time to crime was 204 days.

8. This statement of facts includes those facts necessary to support the plea agreement between the defendant and the United States. It does not include each and every fact known to the defendant or to the United States, and it is not intended to be a full enumeration of all of the facts surrounding the defendant's case.

JS *KS* *JS*
JAB

9. The actions of the defendant, as recounted above, were in all respects knowing and deliberate, and were not committed by mistake, accident, or other innocent reason.

Respectfully submitted,

Jessica D. Aber
United States Attorney

Date: December 9, 2021

By: 


Graham Stolle
Special Assistant United States Attorney
John F. Butler
Assistant United States Attorney

After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, KEVIN ANDREW STATON, JR., and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.




KEVIN ANDREW STATON, JR.

I am the defendant's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.



Jon M. Babineau
Attorney for KEVIN ANDREW STATON, JR.



Edward A. Fiorella, Jr.
Attorney for Kevin Andrew Staton, Jr.





